

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

GLENDIA WILLIAMS,

Plaintiff,

v.

Case No. 8:20-cv-1215-TPB-TGW

VAPOR RISING, INC., a Florida
corporation, and JOSEPH
JOHN SCHAFFER, an individual,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the report and recommendation of Thomas G. Wilson, United States Magistrate Judge, entered on February 24, 2022. (Doc. 112). Judge Wilson recommends that the Court: (1) deny Defendants' motion for summary judgment (Doc. 76), (2) deny Plaintiff's motion for summary judgment (Doc. 78), and (3) deny Plaintiff's motion for sanctions for spoliation of evidence. (Doc. 65). Plaintiff and Defendants filed objections to the report and recommendation. (Docs. 115; 116).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1)(C).

When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

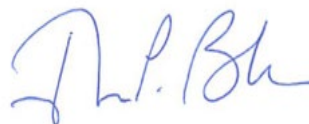
After careful consideration of the record, including Judge Wilson's report and recommendation, the Court overrules the parties' objections and adopts the report and recommendation. The Court agrees with Judge Wilson's well-reasoned findings and conclusions. Consequently, the parties' cross-motions for summary judgment are denied, and Plaintiff's motion for spoliation sanctions is denied.

It is therefore

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Wilson's report and recommendation (Doc. 112) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff's motion for spoliation sanctions (Doc. 65) is **DENIED**.
- (3) Defendants' motion for summary judgment (Doc. 76) is **DENIED**.
- (4) Plaintiff's motion for summary judgment (Doc. 78) is **DENIED**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 29th day of March, 2022.



TOM BARBER
UNITED STATES DISTRICT JUDGE